



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

OCT 26 2004

DOT-E 7991
(SEVENTH REVISION)

EXPIRATION DATE: August 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Union Pacific Railroad Company
Omaha, Nebraska

(See Appendix A to this document for a list of additional grantees)

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of flagging kits of specified construction, containing certain Class 1.4 and 4.1 materials, not subject to the Hazardous Materials Regulations (HMR) except as specifically stated herein.

b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 171-180, except as specified herein.
5. BASIS: This exemption is based on Union Pacific Railroad Company's application of October 4, 2004 submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Articles, pyrotechnic for technical purposes	1.4G	UN0431	II
Fusee (railway or highway)	4.1	NA1325	II
Signal devices, hand	1.4S	UN0373	II
Signal devices, hand	1.4G	UN0191	II
Signals, railway track, explosive	1.4S	UN0193	II

7. SAFETY CONTROL MEASURES:

a. Packagings authorized are:

(1) A flagging kit consisting of a two compartment container constructed of 24 gauge galvanized steel. Each compartment must be equipped with a cover and latching device. Each packaging may contain a maximum of 12 Fusees and 36 railway torpedoes.

(2) A flagging kit identified in the applicant's request as PPSC #50056-2, PPSC #50026-18. Each packaging may contain a maximum quantity of 12 fusees and 36 railway torpedoes.

(3) A flagging kit constructed in accordance with Consolidated Rail Corporations drawing D-49053-B. Each packaging may contain a maximum of 36 fusees and 36 railway torpedoes.

b. Compartments for railway torpedoes must be equipped with a spring loaded positive locking device. Each compartment may contain only one type of device.

8. SPECIAL PROVISIONS:

a. Packagings may be transported only on Maintenance-of-way vehicles or other railroad motor vehicles such as Car Department, Signal Maintainers, or Operating Department motor vehicles, including privately owned motor vehicles under the direct control of on-duty railroad employees.

b. No more than 6 flagging kits may be transported at any one time on any motor vehicle.

c. All materials described in paragraph 6 must be kept in closed flagging kits whenever they are not being used on the railroad right-of-way. Personnel may not open the flagging kits during such time as they are driving the vehicle or when it is located on other than railroad property.

d. When flagging kits are left in unattended motor vehicles on non-railroad property they must be locked, locked inside the vehicle, or stored in a locked compartment on the motor vehicle.

e. A current copy of this exemption must be kept on file and be made available to any state and/or local agency that requests a copy.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

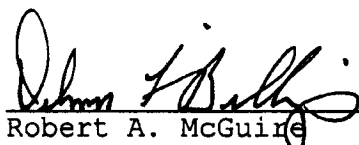
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Section 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incidents involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:



Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

OCT 26 2004

(Date)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

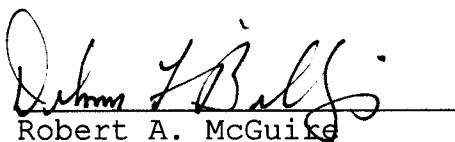
Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: sln

JAN 6 2005

The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

Company Name City/State	Application Date	Issue Date	Expiration Date
CSX Transportation, Inc. Jacksonville, FL	Oct 20, 2004	Nov 2, 2004	Aug 31, 2006
Canadian National Railway Homewood, IL	Oct 4, 2004	Oct 26, 2004	Aug 31, 2006
Consolidated Rail Corporation (Conrail) Mt. Laurel, NJ	Nov 5, 2004	Nov 23, 2004	Aug 31, 2006
Norfolk Southern Railway Corporation Roanoke, VA	Nov 15, 2004	Dec 2, 2004	Aug 31, 2006
Paducah & Louisville Railway, Inc. Paducah, KY	Oct 21, 2004	Nov 9, 2004	Aug 31, 2006
The Burlington Northern and Santa Fe Railway Co. Topeka, KS	Aug 23, 2004	Sep 14, 2004	Aug 31, 2006
Watco Companies, Inc. Pittsburg, KS	Nov 17, 2004	JAN 6 2005	Aug 31, 2006


Robert A. McGuire

fn Associate Administrator for
Hazardous Materials Safety